

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

JENNAH M. GASKINS,

Plaintiff,

v.

CAUSE NO.: 2:20-CV-328-TLS-JEM

TIMOTHY F. ROSS, AMERITRANS
GROUP, INC., OC TRANSPORTATION,
INC., and THE MASON AND DIXON
LINES INCORPORATED a/k/a
UNIVERSAL INTERMODAL SERVICES,
INC.,

Defendants.

OPINION AND ORDER

This matter is before the Court on a Stipulation to Dismiss [ECF No. 30], filed on April 7, 2021. Therein, the parties seek to dismiss without prejudice the claims against Defendant The Mason and Dixon Lines Incorporated a/k/a Universal Intermodal Services, Inc.¹ Although not specified, as every party who has appeared signed the Stipulation, it appears to fall under Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

However, the Seventh Circuit Court of Appeals has held that the proper procedure for dismissal of individual parties or claims is by amending the pleadings under Federal Rule of Civil Procedure 15(a) and not by dismissal under Federal Rule of Civil Procedure 41(a). *Taylor v. Brown*, 787 F.3d 851, 857–58, 858 n.9 (7th Cir. 2015) (explaining that “Rule 15(a) allows a plaintiff to amend his complaint—including by adding or dropping parties and claims—as a matter of right in some situations and by court order in others” and reminding district courts to

¹ The Stipulation refers to these entities separately. However, the current Complaint governs, and so the Court refers to a single entity – The Mason and Dixon Lines Incorporated a/k/a Universal Intermodal Services, Inc.

use Rule 15(a) rather than Rule 41(a) for dismissal of individual claims); *see also* 6 Fed. Prac. & Proc. Civ. § 1479 (3d ed.).

Accordingly, the Court STRIKES the Stipulation to Dismiss [ECF No. 30]. Pursuant to Federal Rule of Civil Procedure 15(a)(2), the Court GRANTS the Plaintiff leave to file, on or before May 3, 2021, an amended complaint to drop Defendant The Mason and Dixon Lines Incorporated a/k/a Universal Intermodal Services, Inc. as a party.

SO ORDERED on April 19, 2021.

s/ Theresa L. Springmann
JUDGE THERESA L. SPRINGMANN
UNITED STATES DISTRICT COURT